IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 36 OF 2006.

Panjarpol Sanstha. ... Appellant.

Versus.

Government of Maharashtra & anr. ... Respondents.

Shri S.D.Dharmadhikari for the Appellant.

Shri Nakhawa, A.G.P. for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 3rd April, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. The following substantial questions of law arise in the Second Appeal:

   i) Whether the Courts below have completely failed to appreciate the true meaning and legal effect of section 48(2) of the Maharashtra Land Revenue Code, 1966 ?

   ii) Whether the Courts below have lost sight of the fact that by exercising power under section 48 of the said Code, the Appellant who claims to be in settled position of the suit land cannot be evicted without taking recourse to other provisions of law ?

2. Second Appeal is admitted on the aforesaid substantial questions of law. The learned A.G.P.

waives service for Respondents,

3. Printing is dispensed with. The Appellant is directed to file private paper book along with sufficient number of copies thereof within a period of one year from today. If the paper book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the Court.

Judge.